

1 without regard to the amount in controversy,” and 28 U.S.C. § 1331, which grants this court
2 original jurisdiction of all civil actions arising under the laws of the United States.

3 3. Defendant regularly conducts business in the State of New Jersey therefore
4 personal jurisdiction is established.

5 4. Venue is proper pursuant to 28 U.S.C. § 1391(b)(2).
6

7 **PARTIES**

8 5. Plaintiff is a natural person residing in Philadelphia, Pennsylvania 19149.

9 6. Plaintiff is a “consumer” as that term is defined by 15 U.S.C. § 1692a(3).
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11 7. Defendant is a corporation with its principal place of business located at One
12 Woodbridge Center, Suite 410, Woodbridge, New Jersey 07095.

13 8. Upon information and belief, Defendant is a corporation that provides call
14 center, collections, insurance and debt purchase services to companies in the United States.

15 9. At all times material hereto, Defendant acted as a “debt collector” within the
16 meaning of 15 U.S.C. § 1692(a)(6), and attempted to collect a “debt” as defined by 15 U.S.C. §
17 1692(a)(5).

18 10. Defendant acted through its agents, employees, officers, members, directors,
19 heirs, successors, assigns, principals, trustees, sureties, subrogees, representatives, and insurers.
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21 **FACTUAL ALLEGATIONS**

22 11. At all times material hereto, Defendant contacted Plaintiff in an attempt to
23 collect an alleged consumer debt.
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1 12. Upon information provided and belief, the alleged debt arose out of transactions
2 that were for personal, family, or household purposes as Plaintiff does not owe any business
3 debts.

4 13. Beginning in or around March 2014, Defendant's collectors placed repeated
5 harassing telephone calls to Plaintiff's cellular telephone number in its attempts to collect the
6 alleged debt.

7 14. Defendant's collectors' calls originated from telephone numbers including, but
8 not limited to, (800) 606-7066, (732) 726-1800, and (732) 305-8350. The undersigned has
9 confirmed that this number belongs to Defendant.

10 15. Defendant's collectors called Plaintiff on a daily basis.

11 16. At all relevant times, Plaintiff demanded that Defendant's collectors stop
12 contacting him. Yet, despite Plaintiff's requests, Defendant's calls persisted.

13 17. Once Defendant was aware that Plaintiff did not wish to be contacted there was
14 no legitimate reason for any additional calls, other than for the purpose of harassment.

15 18. Further, Defendant's collectors also placed telephones calls to Plaintiff's
16 daughter's cellular telephone in which they disclosed that they were calling on behalf of
17 Defendant, that they were debt collectors, and that Plaintiff owed a debt.

18 19. Plaintiff was humiliated and embarrassed when he learned that Defendant's
19 collectors had disclosed his personal financial information to his daughter without his consent.
20 He was also stressed and fearful that Defendant's collectors were disclosing his private
21 information to other third parties without his knowledge or consent.
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COUNT III
DEFENDANT VIOLATED § 1692c(b) OF THE FDCPA

26. A debt collector violates § 1692c(b) by communicating, in connection with the collection of any debt, with any person other than the consumer, his attorney, a consumer reporting agency if otherwise permitted by law, the creditor, the attorney of the creditor, or the attorney of the debt collector without the prior consent of the consumer given directly to the debt collector, or the express permission of a court of competent jurisdiction, or as reasonably necessary to effectuate a postjudgment judicial remedy.

27. Defendant violated § 1692c(b) when it called Plaintiff's daughter and disclosed that it was seeking to collect a debt owed by Plaintiff, without Plaintiff's prior consent.

COUNT IV
DEFENDANT VIOLATED § 1692d OF THE FDCPA

28. A debt collector violates § 1692d by engaging in any conduct the natural consequence of which is to harass, oppress, or abuse any person in connection with the collection of a debt.

29. Defendant violated § 1692d when it placed repeated harassing telephone calls to Plaintiff; when it continued to call after Plaintiff demanded that it stop contacting him; and, when it disclosed Plaintiff's personal financial information to his daughter.

COUNT V
DEFENDANT VIOLATED § 1692d(5) OF THE FDCPA

30. A debt collector violates § 1692d(5) by causing a telephone to ring or engaging any person in telephone conversation repeatedly or continuously with intent to annoy, abuse, or harass any person at the called number.

1 31. Defendant violated § 1692d(5) when it placed repeated harassing calls to
2 Plaintiff's cellular telephone causing it to ring continuously with the intent to annoy, abuse, and
3 harass Plaintiff.

4 **COUNT VI**
5 **DEFENDANT VIOLATED § 1692f OF THE FDCPA**

6 32. A debt collector violates § 1692f by using unfair or unconscionable means to
7 collect or attempt to collect any debt.

8 33. Defendant violated § 1692f when it harassed Plaintiff over the disputed debt;
9 when it disclosure Plaintiff's private information to a third party without Plaintiff's consent;
10 and, generally, when it used unfair and unconscionable means to collect the alleged debt.

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12 **COUNT VII**
13 **DEFENDANT VIOLATED § 1692g(a) OF THE FDCPA**

14 34. A debt collector violates § 1692g(a) if within five days after the initial
15 communication with a consumer, the debt collector fails to send the consumer a written notice
16 containing (1) the amount of the debt; (2) the name of the creditor to whom the debt is owed;
17 (3) a statement that unless the consumer, within thirty days after receipt of the notice, disputes
18 the validity of the debt, or any portion thereof, the debt will be assumed to be valid by the debt
19 collector; (4) a statement that if the consumer notifies the debt collector in writing within the
20 thirty-day period that the debt, or any portion thereof, is disputed, the debt collector will obtain
21 verification of the debt or a copy of a judgment against the consumer and a copy of such
22 verification or judgment will be mailed to the consumer by the debt collector; and (5) a
23 statement that, upon the consumer's written request within the thirty-day period, the debt
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1 collector will provide the consumer with the name and address of the original creditor, if
2 different from the current creditor.

3 35. Defendant violated § 1692g(a) when it failed to send written notification, within
4 five (5) days after its initial communication with Plaintiff, advising him of his rights to dispute
5 the debt or request verification of the debt, as well as the name of the original creditor and the
6 amount of the debt.

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8 WHEREFORE, Plaintiff, JAMES DURST, respectfully prays for judgment as follows:

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10 a. All actual damages suffered pursuant to 15 U.S.C. § 1692k(a)(1);
11 b. Statutory damages of \$1,000.00 for the violation of the FDCPA pursuant to
12 15 U.S.C. § 1692k(a)(2)(A);
13 c. All reasonable attorneys' fees, witness fees, court costs and other litigation
14 costs, pursuant to 15 U.S.C. § 1693k(a)(3);
15 e. Any other relief deemed fair and proper by this Honorable Court.

16 **DEMAND FOR JURY TRIAL**

17 PLEASE TAKE NOTICE that Plaintiff, JAMES DURST, demands a jury trial in this
18 case.

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20 **CERTIFICATION PURSUANT TO L.CIV.R.11.2**

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22 I hereby certify pursuant to Local Civil Rule 11.2 that this matter in controversy is not
23 subject to any other action pending in any court, arbitration or administrative proceeding.

Respectfully submitted,

Dated: December 12, 2014

By: /s/ Amy L. Bennecoff
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